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3. Pennsylvania *respondeat superior* law governs this scope of employment issue for three reasons: (i) both Sharratt and Murtha reside in the Western District of Pennsylvania; (ii) Murtha made his slanderous statements while in the Western District of Pennsylvania; and (iii) because Murtha's repeated slanderous statements about Sharratt were printed and broadcast repeatedly throughout the Western District of Pennsylvania.

4. Because this Court is required to (1) accept Sharratt's factual allegations as true, and (2) construe the Complaint liberally in his favor, Sharratt's Amended Complaint satisfies the Notice pleading standard of **Federal Rule of Civil Procedure 8(a)**.

5. Sharratt can proceed on his Tort of Invasion of Privacy cause of action no matter what because under Third Circuit case precedent, this cause of action is not exempted from suit under Section 2680(h) of the Federal Torts Claims Act.

6. Sharratt hereby incorporates by reference into this Answer his Brief in Opposition, which is filed simultaneously with this Answer.

WHEREFORE, for any and all of the above reasons, and most especially because Pennsylvania law requires that scope of employment issues be decided by juries, the Government's Motion must be denied.

Respectfully submitted,

June 19, 2009

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CERTIFICATE OF SERVICE.

I, Noah Geary, hereby certify that I served the foregoing **Answer** upon Defense Counsel,
Paul Werner, Esquire, on this day, via email:

Paul E. Werner, Esquire
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Date: June 19, 2009

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